

441—106.10 (237C) Record checks.

106.10(1) A children's residential facility shall conduct record checks for:

a. Any owner, director, staff member, volunteer, or other person who performs duties under a subcontract with the children's residential facility and who:

- (1) Has direct responsibility for children, or
- (2) Has access to a child when the child is alone.

b. Anyone living in the children's residential facility who is 14 years of age or older.

106.10(2) The record checks shall be conducted to determine whether the person:

- a.* Has any founded child abuse reports.
- b.* Has any founded dependent adult abuse reports.
- c.* Has any criminal convictions.
- d.* Has been placed on the sex offender registry.

106.10(3) Every applicant for employment shall submit to the children's residential facility a written, signed and dated statement that discloses:

- a.* Any substantiated instances of child abuse, neglect, or sexual abuse committed by the person.
- b.* Any substantiated instances of dependent adult abuse committed by the person.
- c.* Any convictions of crimes involving the mistreatment or exploitation of a child.

106.10(4) A children's residential facility may request additional information from the central abuse registry or the Iowa department of public safety.

106.10(5) If a record of criminal conviction or founded child abuse or founded dependent adult abuse exists, the children's residential facility shall evaluate the crime or founded child abuse or dependent adult abuse to determine whether or not the crime or founded child abuse or founded dependent adult abuse merits prohibition of employment or any voluntary or subcontracted position. The evaluation shall consider:

- a.* The nature and seriousness of the crime or founded abuse in relation to the position sought,
- b.* The time elapsed since the commission of the crime or founded abuse,
- c.* The circumstances under which the crime or founded abuse was committed,
- d.* The degree of rehabilitation,
- e.* The number of crimes or founded abuses committed by the person involved, and
- f.* The likelihood that the person will commit the crime or founded abuse again.